UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,396	04/27/2006	Elmo M.A. Diederiks	US030423	5072

24737 7590 09/11/2008
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
LEE, MICHAEL	
ART UNIT	PAPER NUMBER
2622	
MAIL DATE	DELIVERY MODE
09/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/577,396	DIEDERIKS ET AL.	
	Examiner	Art Unit	
	M. Lee	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20, 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon et al. (5,642,172) in view of Du Mont (2,669,708).

Regarding claim 1, Yoon discloses a television receiver showing an MPU 700 for automatically adjusting display settings, except the integrated light source for producing a light effect to enhance the viewing of the image on the display as claimed. Du Mont, from the similar field of endeavor, teaches such light source (note light source 26 in Figures 2 and 3). By using the light source surrounding the display screen, the eye fatigue problem to a viewer incurred by watching television in a generally dark room can be avoided (note col. 1, lines 4-19). Since Yoon nonetheless can suffer the same problems as described in Du Mont, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to include the light source 26 of Du Mont into Yoon so that the eye fatigue problem could be avoided.

Regarding claim 2, the light source 26 in Yoon is integrated into the television receiver.

Regarding claim 3, the light source 26 in Yoon can be separated from the television receiver.

Regarding claim 4, see Figures 7a and 7b in Yoon.

Regarding claim 5, the intensity of the light source 26 in Du Mont can be increased to match that of the room illumination (col. 3, lines 21-24)) and the MPU 700 and sensor 1000 in Yoon would automatically compensated the display settings based on the detected room light source illumination accordingly.

Regarding claims 6-19, in addition of above, the combination of Yoon and Du Mont can be used in a set top box because the set top box is intended to place on top of the television receiver. Any light radiated from the set top box would influence the viewing perception of the viewer. Thus, placing the light source 26 of Du Mont on the set top box would have been obvious.

Regarding claim 20, Du Mont does not disclose the computer codes as claimed. In any event, Yoon employs the MPU 700 for carrying out the compensation tasks as claimed, which is controlled by computer programs or codes. In order to integrate Du Mont into Yoon, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Yoon so that the light displaying feature of Du Mont could be controlled by the MPU 700 also. The integration enables Yoon and Du Mont to operate in the same control circuit while reduces the size and power consumption of the apparatus.

Regarding claim 22, in addition of above, the MPU 700 meets the machine as claimed.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed computer codes do not define any structural and functional interrelationships between the computer codes and other elements of a computer which permit the computer codes' functionality to be realized. The computer codes as claimed are computer program listings per se and therefore are considered nonstatutory.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear whether the claim is a process claim or an apparatus claim because at the beginning of the claim it recites a method while in the body it recites an apparatus.

(The identity of the claim also causes fee calculation confusion because it appears as a dependent claim, but, in fact, it is an independent claim. Such practice should be avoided.)

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Butterfield (3,571,497) shows a light display around a screen.

Bowie (2,837,734) shows a light display around a screen.

Pifer (2,779,938) shows a light display around a screen.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. Lee/
Primary Examiner
Art Unit 2622